

CITY OF LADUE

Building Department

To: Honorable Mayor Nancy Spewak
Members of the City Council

From: Andrea Sukanek, City Planner

Date: August 10, 2021

Re: Text Amendment regarding Wireless Communication Facilities

The report from the Cellular Service Advisory Committee was presented to the City Council at their April 2021 meeting. The report includes many recommendations for changes to Ladue's wireless regulations, including consolidating and simplifying the code as much as possible and eliminating certain restrictions that may be hindering the provision of good cellular service to residents.

The following is an excerpt from the report regarding recommended changes to the regulations:

- *Consolidate and simplify, as a new and separate section, the Ladue Code of Ordinances as it applies to the placement and type of cellular equipment (towers, antennas, nodes, etc.)*
 - *The permit application timelines should be reviewed with the goal of reducing the time from initial permit application to issuance of permit based on the City receiving a "clean" permit application from the carrier that meets the City's parameters (90 calendar days for towers, 60 calendar days for antennas, 30/60 calendar days for nodes (small cell transmitters) ... less if they do not require a SUP.*
 - *Develop a one-page node permit application, for nodes being attached to existing utility poles, that could be approved in 7 – 14 business days, if it meets pre-established/pre-determined City parameters.*
 - *Relax/eliminate unreasonable restrictions (ex: nodes/antennas cannot exceed a height of 15 ft. above the top of power lines ... which restricts the height of antennas on most utility poles to about 40 ft. from ground level. Ladue code could be amended to allow for an increase to 55 ft. from the ground level, rather than based on the height of the power line).*
 - *Clarify regulations for standalone pole antennas in R-O-W's specific to height, set back and approval procedures process.*
 - *State in the City Code of Ordinances related to communication equipment what the City does allow ... rather than what the City does not allow.*

To address these recommendations, I consolidated the wireless facility regulations into one Section and modified some of the requirements. The full text of the recommended new Section is in the attached ordinance. These amendments were recommended for approval by the Zoning and Planning Commission at their July meeting by a vote of four (4) in favor and zero (0) opposed. Key changes to the Code are as follows:

1. Stealth Tower changed to a permitted use in any commercial or industrial district (with approval from ARB). Requirements for a Stealth Tower in a residential district shall remain the same. (This incentivizes the development of a Stealth Tower rather than a standard Communication Tower in those districts.)
2. Maximum height of Stealth Tower to be increased from 80 feet to 85 feet. Applicant may apply for a waiver from the Zoning and Planning Commission for additional height.
3. Eliminated the requirements that Stealth Towers must be within 5 feet of the nearby trees. (Other aesthetic requirements make this specific requirement unnecessary.)
4. Concealed Antenna to be a permitted use in residential districts on any non-residential property (no minimum acreage). This is already a permitted use in commercial and industrial districts. Approval is subject to ARB review.
5. Small wireless antenna changed to an allowed use on a utility pole in any zoning district if it meets the following requirements:

A new or modified Utility Pole shall not exceed fifteen (15) feet in height above the tallest existing Utility Pole within a ¼ mile radius of the proposed Utility Pole, or a height of 50 feet, whichever is greater.

(In order to improve cell service, the City would like to expedite the installation of antennas on utility poles. The above change would use the federal/state criteria for when antennas must be allowed in commercial/industrial areas and applies it the residential districts, as well.)

6. The requirement that the antenna not be more than 15 feet above the highest power line on a utility pole shall be eliminated. (This requirement strictly limits the height of antennas. The Advisory Committee recommendations specifically mention eliminating this restriction to allow for higher antennas.)
7. An Antenna on a pole in the right-of-way or in a utility easement may be approved with a Special Use Permit if it does not meet the criteria to be a permitted use. Such utility poles may be approved by SUP up to a height of 70 feet. Additional height may be approved by the Zoning and Planning Commission “upon good cause shown.”
8. Added definitions of Administrative Permit and made a few tweaks to the definitions, including the definition of Stealth Tower.